IN THE SUFREME COURT OF THE UNITED STATES

OCTOBER TERM 1973

OCT 26 1978

RECEIVED

OFFICE OF THE CLERK SUPREME COURT, U.S.

HAJJI A.R. AHMAD, Appellant

78-5631

VB

MICHAEL RODAK, JR., Clerk L.S.S.CT., Appellee

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS BY APPELLAYT 28 .S.C.S. 1915(a):S CT Rule 53(1)

HAJJI A.R. AHMAD respectfully moves the Court for leave to proceed herein in forma pauperis, in accordance with the provisions of Title 28, nited States Code, Section 1915, and Rule 53 of the rules of this Court. The affidavit of the appellant HAJJI A.R. AHMAD in support of this motion is hereto attached.

Presented herewith is a Jurisdictional Statement presented for filing pursuant to S CT hale 53 (2) of the applicant.

DATED OCTOBER 26,1978

Respectfully submitted,

Hajji A.R. Ahmad 5538 W. Thompson St Philadelphia, Pa. 19131

215-877-7452

PROOF OF SERVICE

HAJJI A.R. AHMAD, appellant, being first duly sworn deposes and says :

1.I have delivered by hand copy of this motion to the appellee at the office of the Clerk of The S CT One 1st St N.E. Washington, D.C. October 26,1973 and to the U.S. Attorney fo the District Of Columbia Rm 3136 C Fed Ct Hse Bldg 3rd & Constituion Aves, N.W. Washington, D.C.

Sworn and Subscribed:

RAYMOND B. FENERTY

MOTARY PUBLIC, PHILADELPHIA, PHILADELPHIA CO. MY COMMISSION EARINES JUNE 14, 1980 HANJI A. R. AHMAD

5538 W. Thompson St

Philadelphia, Penna 19131

215-877-7452

IN THE SUPREME COURT OF THE UNITED STATES

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OFFICE OF THE CLERK SUPREME COURT, U.S.

HAJJI A.R. AHMAD, Appellant

VB

MICHAEL RODAK, JR, Appellee

AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS 28 U.S.C.S. 1915(a); S CT Rule 53(1)

State of Pennsylvania County of Philadelphia

SS

HAJJI A.R. AHMAD, being duly sworn, on oath deposes and says:

1. He is the appellant in the above-entitled action and makes this affidavit in support of his motion for leave to proceed in forma pauperis helein. 2. Affiant is unable because of his poverty to pay fees and costs of this case or give security therefor.

3. This is an appeal from a final judgement/order of October 5,1978 in which appel'ant was denied motion for reconsideration of an order of the District Court For The District Of Columbia denying a motion for an injunction to compel the defendant Michael Rodak, Jr Clerk of The Supreme Court Of The U.S. to perform a duty owed to the plaintiff who having complied fully with all of the applicable requirements of S CT Rule 53(1)&(2) is deprived of the benefits of the duty imposed upon the defendant under S CT Rule 53.3). The plffs are citizens of Egypt and citizens of Pennsylvania who were forced to flee the Middle East in Nov 1956 as a result of the Zionist conspiracy to colonoze Palestine and nited States participation therein and aid thereto being aid to an expedition against a people with whom the .S. is at peace in violation of 13 .S.C.960, et al., statutes made pursuant to the authority of Article I, Sec 8, Clause 10, J.S. Constitution. This action is brought inder 28 .S.C. 1350. This case raises substantial questions of constitutional law as more fully set forth in appellants' jurisdictonal Statement filed herewith. Affiant believes that he is entitled to the red ess sought in this Court.

Subscribed and sworn to befo e me this 26th day of October, 1978.

NOTARY: (ay

RAYMOND B. FENERTY

215-877-7452

NOTARY PUBLIC, PHILADELPHIA, PHILADELPHIA CO. MY COMMISSION EXPINES JUNE 14, 1980

Hajji A.R. Ahmad 5538 W. Thompson St Phila., Pa., 19131

OCTOBER TERM 1978

IN THE SUPREME COURT OF THE UNITED STATES

RECEIVED OCT 26 1978

HAJJI A.R. AHMAD, Appellant

OFFICE OF THE CLERK

MICHAEL RODAK, JR, Clerk U.S. S. CT., appellee

JURISDICTIONAL STATEMENT

HAJJI A.R. AHMAD

Pro se 5538 W. Thompson St Philadelphia, Penna 19131

215-877-7452

### THE OPINIONS BELOW

October 5,1978, the District Court filed an order denying plaintiffs motion for econsideration of the order of the court of Aug 25,1978 denying injuntice relief and dismissing the action. The order stated, "Upon consideration of plaintiff's motion for reconsideration of the court's sua sponte dismissal of this action, said motion dated

Sept 1,1978 but received in court on Sept 19,1978, it is by the court this 5th day of Oct 1978, ORDERED that plaintidf's motion is hereby denied both on the merits and because it is out of time."

### JURISDICTION

This statement is presented by the appellant in support of of Jurisdiction by the Surreme Court of The United States on appeal and to show that substantial federal questions are p esented. This appeal is taken pursuant to 23 J.S.C. 1252. The appellee is a federal officer of the nted States. The appeal is also authorized by 23 .S.C.1254(1)which permits review by the Supreme Court of The United States before decision of cases on appeal where a westion of such imperative public importance is presented as to justify deviation f on normal processes of appellate procedure. This case Court of Appeals for The D.C. Stroutt October 36,1973. The order appealed from is a final order denying applicant's motion for reconsideration of the court's order of 3/25/78 which denied plaintiff's motion for an injunction to compel the defendant, Michael Rodak, Jr., Clerk of The U.S. Sup eme Court, to place the case on the docket and file the documents submitted on two occasions for docketing by the plaintiff of "uly 8 and 21,1973, and dismissing sua sponte the action. The Notice of Appeal from the Aug 25,1978 O der was filed Sep 19,1973 and the Notice of appeal from the order of the Court of 10/5/73 was filed Oct 26,1978. The Notice was filed in The J.S. District Court for D.C.

Cases believed to sustain the jurisdiction of the court are :

UNITED STATES, Petitioner v The Steamer Three Friends, her engines, etc. Napolean B. Broward and Montcalm Broward, claimants, decided March 1,18974

166 U.S. 1,63,66.

i Moore's Federal Practice 0.75; Alien jurisdiction.

Title 18 .S.C. 960 is one statute involved in this question. It provides; who ever, within the United States, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the nited States is at peace shall be fined not more than \$3,000.00 or imprisioned not more than three years, or both.

Also, The Establishment Clause of the First Amendment which provides, Congress shall make no law respecting an establishment of religion or abridging the free exercise tereof.

The Due Process Clause of the Fifth Amendment, "nor shall property be taken (private) for public use woth compensation and/or due process of law.

# Questions Presented.

1.Aid to Israel from public and private sources violates Article I, Sec 8, clauses 1,3,8,10 & 18 U.S. Constituion.

2. The plaintiffs are not responsible for the untimely filing of the Sept 1st motion and is entitled to the relief demanded in the motion.

Aug 22,1978, the Appellant herein filed civil action 78-1584 in the District Court fo the District of Columbia and brought the action on behalf of all parties seeking to have their appeal ptesented befo e the S CT in the cases presented in the Jurisdictional S atesent s buitted for filing on July 8 & 21,1978. The plffs epresented are citizens of Egypt and citizens of Pennsylvania who wre fo ced to flee the middle East and enter the U.S. as refugees in Nov 1956. Plaintiffs cite the agreement entered into at Basle Switzerland 1897 by members of the Jewish Faith to infilt ate and colonize Palestine a Muslim state and or people with whom the .S. is at peace. June 30,1922 the 'S. Congress adopted a resolution to use the good offices of the .S. to open the doors of Falestine to Jewish immigration and colonization. Plaintiffs bring this action nder 28 U.S.C. 1350 for injuries sustained resulting from the violations of thelaw of nations. Plaintifs allege that the acts of the defendant named h rein was intended to and does in fact operate to provide aid to Israel at the expense of the plaintiffs in violation of Section 1350 and 18 U.S.C. 960, et al. The district Court abused its discretion by dismissing the case and denying plffs application for injunctive relief.

Appended to this statement as one appendix is the copy of the Order of the Court of Aug 25 with the Memorandum Opinion and the Order of October 5,1973. Also copy of the Notice of Appeal filed Sept 19,1973 and copy of the Notice of Appeal fled October 26,1978.

### Conclusion

In consideration of the foregoing, Appellant submits that this appeal brings before the court substantial and important questions which require plenary consideration with briefs on the merits and oral argument for their resolution and that this court should expedite this case by advancing it on the calendar for noting probable jurisdiction.

Respectfully submitted

HAJJI A.R. AHMAD Appellant, pro se

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA FILED

AUG 2 5 1978

HAJJI A.R. AHMAD

JAMES F. DAVEY, Clerk

Plaintiff

Civil Action No. 78-1584

MICHAEL RODAK, JR.

EXHIBIT N

Defendant

MEMORANDUM OPINION

Plaintiff's "Affidavit in Support of Motion for Restraining Order Without Notice to Adverse Party" alleges that "[t]hese documents [jurisdictiona] statements and supporting documents] ... in form and content comply substantially with the Rules of the Supreme Court." Plaintiff's own allegations make it clear that he is not entitled to the principal relief sought, an order directing defendant to place plaintiff's appeal on the Supreme Court docket. Substantial compliance provides an insufficient basis for the Court to grant any of the requested relief. Accordingly, this case must be dismissed.

An appropriate order is entered herewith.

JUNE L. GREEN U.S. District Judge

Dated: August 25 1978

FILED

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

AUG 25 1079

JAMES F. DAVEY, Clerk

HAJJI A.R. AHMAD

Plaintiff

Civil Action No. 78-1584

MICHAEL RODAK, JR.

Defendant

EXHIBIT O

### ORDER

Upon consideration of plaintiff's request for money damages, injunctive and declaratory relief, affidavits and memorandum of law, and it appearing that plaintiff is not entitled to the relief requested, it is by the Court this 25 day of August 1978,

ORDERED, sua sponte, that this action be dismissed.

JUNE L. GREEN

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# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAJJI A. R. AHMAD

ununu

Plaintiff

: Civil Action No. 78-1584

MICHAEL RODAK, JR.

FILED

Defendant

OCT 5 1079

ORDER

JAMES F. DAVEY, Clerk

Upon consideration of plaintiff's motion for permission to file notices of appeal to the United States Supreme Court and to the United States Court of Appeals for the District of Columbia Circuit without payment of any filing fees, it is by the Court this 5th day of October 1978,

ORDERED that plaintiff's motion is hereby denied.

JUNE L. GREEN U.S. District Judge

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAJJI A. R. AHMAD : EXHIBIT Z

Plaintiff :

V. : Civil Action No. 78-1584

MICHAEL RODAK, JR. : FILED

Defendant : OCT 5 1678

ORDER JAMES F. DAVEY, Clerk

Upon consideration of plaintiff's motion for reconsideration of the Court's <u>sua sponte</u> dismissal of this action, said motion dated September 1, 1978 but received in Court on September 19, 1978, it is by the Court this \_\_\_\_\_\_ day of October 1978,

ORDERED that plaintiff's motion is hereby denied both on the merits and because it is out of time.

JUNE L. GREEN U.S. District Judge

N

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA Oct. 26, 1978 (confirmed by . telephone)

HAJJI A.R. AHMAD,

CIVIL CLASS ACTION 10.

plaintiff

73-1534

MICHAEL RODAK, JR., Clerk U.S. S.CT, defendant

PLFF'S NOTICE OF APPEAL TO THE SUFREME COURT
OF THE UNITED STATES FROM THE FINAL ORDER OF THIS
COURT DENYING PLFFS MOTION FOR RECONSIDERATION
FILED OCTOBER 5,1973

Notice is hereby given that HASJI A.R. AHMAD, plaintiff, on his own behalf and on behalf of the class represented by him in this action, appeals to the Supreme Court Of The United StatesFrom the Order of this Court Filed Octoboer 5.1975 which denied plff's motion to reconsider the Aug 25,1973 order of this Court which denied plffs application for an injunction and dismissed the action.

This appeal is taken as a matter of right pursuant to Rules 3 & 4,F.W.F. and pursuant to 28 t.S.C.S. 1252 and 1291. Also pursuant to 28 t.S.C. 1254(1), which permits review of cases pending before judgement where it is shown that the case is of imperative public importance as to justify deviation from normal appellate processes and to require immediate settlement.

# QUESTIONS PRESENTED BY THIS APPEAL ARE :

1. Plffs citizens of Egypt and citizens of the State Of Pennsylvania were fo ced to evacuate the middle east and Beirut Lebanon Nov 1956. Plffs allege that the conspiracy by Zionist to colonize Falestine since 1397 and .S. participation in that conspiracy beginning with a resolution adop ed June 30,1922 to use the good offices of the nited States to open the doors of Palestine to jewish colonization and immigration. Various treaties have been recently enacted to promote this purpose . Plffs object to Muslim tax do'lars being used for armament and support of Israel and maintai s that this is recognition of an establishment of religion and violates the first Amendment of the U.S. Constituion in that it entangles the government in eligion, supports ## one religion over another, forces Muslims to adopt recognition of Israels right to Palestine under force of a ms provided by and f on within he Inited States contrary to Title 13 U.S.C. Sections 954,955,956,957,958, 959,960 et al., the Neutrality Laws all in violation of Article I, Sec 3, Clauss 1,3,8,10 & 18,U.S.COnstitution. This conspiracy esults in Muslims being deprived of prope ty, life, liberty, religious and political, civil rights without compensation and due process of law. The Fourteenth Amendment is violated in that this is state action which denies equal protection of the law to a class of citizens for domestic political considerations favoring the jews and the jewish economic and political power. Title 23 U.S.C. 1350 provides a cause of action for violations sustained from violations of the law of nations. The Plaintiffs a c being denied due process and other fundamental constituional rights such as access to the Supreme Court Of The nited States. Plffs seek a declaratory judgement that such participation by the United State in the conspiracy to colonize Falestine is unconstituional and that the acts complained of in this case are acts committed in furtherance of the Zionist conspiracy and entitles the plaintiffs to damages.

2. The District Court in its order of Oct 5th, 1973, denied plintiffs motion for reconsideration both on the merits, and because the motion was untimely filed. Petitioner sekks a declaratory judgement that the plaintiff is not responsible for the untimely filing and is entitled to the relief demanded, on the basis of the record.

# PROOF OF SERVICE

HAJJI A.R. AHMAD, plaintiff, being duly sworn according to law deposes and says:

1.I have personally caused to be delivered a copy of this notice to the defendant on Oct 26,1978 at the Office of The Clerk ,One 1st St N.E. Washington,D.C.

FILED Oct 26,1973

RAYMOND B. FENERTY

MOTARY PUTITO, THE ADELPHIA CO.

FOR COMPLESSOR EXPENSES JUNE 14, 1980

HAJJT A.R. AHMAD

5538 W. Thompson St

Philadelphia, Fenna 19131

215-877-7452

# S

IN THE SUFREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

NO. 78-5631

RECEIVED

0.60 1 8 1978

OFFICE OF THE CLERK SUPREME COURT, U.S.

HAJJI A.R. AHMAD, Appellant,

VS

MICHAEL RODAK, JR., Clerk U.S. S. CT.

Appellee.

STATEMENT AND SUPPLEMENT JURISDICTIONAL

Hajji A.R. Ahmad 5538 W. Thompson St Philadelphia, Fa/19131

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TO: THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES.

Appellant respectfully moves this Court for permission to supplement his jurisdictional statement with facts and details of a new case, infra, undecided when this appeal was docketed on the 26th day of October, 1978.

DATED: December 14,1978

Hajji A.R. Ahmad 5538 W. Thompson St Philadelphia, Pa., 19131 TO: MICHAEL HODAK, JR., CLERK OF THE SUPREME COURT OF THE UNITED STATES

On the 1st day of December, 1978, The United States Court Of Appeals For The District Of Columbia Circuit, in the matter of; HAJJI A.R. AHMAD, Petitioner, No. 78-8086, September Term, 1978, Civil Action No. 78-1584, Before: McGowan and Robb, Circuit Judges; an order which a copy of is attached hereto located in the attached Jurisdictional Statement Supplement Exhibit A, page 1, did file DENIED petitioner's motion for leave to file a petition for writ of mandamus in forma pauperis, without stating any grounds for said denial and none appear.

On December 15,1978, the petitioner filed with said Court:

Notice Of Appeal To The Supreme Court Of The United States.
 Petition For Rehearing Under Rule 40, of the Federal Rules of Appellate Procedure with Affidavits and Exhibits A,B,C & D, all of which are appended hereto as: "Jurisdictional Statement Supplement Exhibits A,B,C & D,Each Exhibit,A,B,C & D,is numbered with a circled handwritten number in the TOP RIGHT HAND CORNER OF EACH PAGE, each Exhibit has a page 1,2, etc., and may be cited as Supplement Exhibit A,B or C as the case may be, page 2,etc.

The Order Of The Court Of Appeals (3rd Cir.)Dec. 1,1978:

- 1. Supports the Jurisdiction of this Court. Section 1252, Title 28, United States Code, provides in part; "A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be \*\*\*EMERRA\*\* treated as taken directly to the Supreme Court."

  Section 1291, Title 28, United States Code provides, "The courts of appeals shall have jurisdiction of appeals from all final decisions on the district courts of the United States......except where a direct review may be had in the Supreme Court."
- 2. Conflicts with the Order of The United States Court Of Appeals For The Third Circuit ,of June 16,1978, which order granted the appellant herein, leave to proceed in appeal in forma pauperis.
- 3. represents error in that it affirms the decision of the lower court which failed to recognize the presence of the factors necessary to warrant the requested writ. Those factors are set forth in The Jurisdictional Statement Supplement Exhibit A, pages 23, 24, 25, 26, 27, 20, 29, 30, 31, 32.
- 4. Draws into question those Federal Statutes which are attached with the FULL TEXT, which were presented to the Court in support of applicant's request for a writ, said statutes are located in the Jurisdictional Statement Supplement Exhibit C, pages 91,92,93,94, 95,96,97,98,99,100,101,102,103, and/or the constitutionality of the actions described on pages 104,105,106,107,108,109,110,111, 112,113,114,115,116,117,118,119,120, and proof of the allegations made above is beginning on page 121 to 152.

5. conflicts with and unconstituionally differs with the United States Tax Court's treatment of the petitioner.
On December 8,1978, said Court, issued an Order And Order To Show Cause Under Rule 91(f), in the case of Orlando R. Allen vs Commissioner Of Internal Revenue, Docket No., 11352-77, a copy of said Order Attached and is located at Jurisdictional Statement Supplement Exhibit 8 (D), page 1.

6. leaves unprotected the petitioner's First Amendment Rights. Jurisdictional Statement Exhibits A & B, contain nearlyy thirty court orders issued between June 1975 and this date, 1978, all are blocked from the Supreme Court Of The United States.

The Petitioner believes that this Court should grant this request because:

- 1. a substantial federal question is presented herewith of great public importance, such as to require briefs on the merits and oral argument for its resolution.
- 2.S CT Rules provide at 16, paragraph 5. Any party may file a supplemental brief at any time while a jurisdictional statement is pending calling attention to new cases or legislation or other intervening matter not available at the time of his last filing.
- 3. Petitioner believes that he is entitled to the relief requested the same as white person. The fact the Benders Federal Forms (Procedural) publishes form no 5049, indicates that such leave is regularly granted to others and petitioners respectfully demand like treatment as negros under Section 1981, Title 42, United States Code.
- 4. with the filing of the Petition For Rehearing under Rule 40,FRAP, Dec 15,1978, the petitioner has exhausted all remedies and in fact has no adequate remedy at law and is entitled to judgement on the merits based on the facts and the law presented herewith.
- 5. both the Notice of Appeal to the Supreme Court Filed Dec 15,1978, and the Petition For Rehearing under Rule 40,FRAP, and this requst for leave to supplement while the jurisdictional statement are are timely filed.
- 6. the appellants associates and coreligionist are deprived of constitutional protection and will suffer from the impairment of their First Amendment Rights in being denied access to the Courts particularly the Supreme Court Of The United States and they have no other means of getting their petition to this Court except by their signature below.

THE PONEGOING STATEMENT IS TRUE. Respectfully submitted. THE ESTATE OF MOHAMMAD ALI IBN AHMAD (Deceased), Administrator, Trustee . Hajii A. R. Ahmad Hajji A.R. Ahmad 5538 W. Thompson St. 5538 W. Thompson St. Phila., Pa 19131 Philadelphia, Pennsylvania 19131 215-877-7452 THE REGISTERED FOREIGN AGENTS. THE HOPE FAMILY, Trustee. Trustee, Hajji A.R. Ahmad Hajji A.R. Ahmad 5538# W. Thompson St 5538 W. Thompson St Phila., Pa 19131 Phila. Pa 19131 LEADER LYNN HOPE & HIS RASHID OMAR IBN ALI ORCHESTRA, 5538 W. Thompson St 5538 W. Thompson St. Philadelphia, Pennsylvania 19131 Philadelphia, Fenna 19131

AND NOW , COMES PLAINTIFF/APPELLANT, HAJJI A.R. AHMAD, STILL SWORN SAYS:

- The Address of each of the above is: 5538 W. Thompson St., Phila., Pa 19131; 215-877-7452.
- I have written, legal authorization to attachd each of the above signatures and to execute this affidavit.
- Copies of said authorization is filed In The U.S. Dist Ct (EDPA), Oct 18,1977, In Civl Action 77-327, Ahmad v Burke, et al.

SWORN & SUBSCRIBED BEFORE NOTARY:

Security

BAYMOND B. FENERTY

HOTOGO PUTTO, PHILADELPHIA, PHILADELPHIA 40.

HAJJI A.R. AHMAD 5538 W. Thompson St Phila. Pa 19131 215-877-7452